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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**Case No. 3:12-cv-02265-SI**

**PLAINTIFF,**

**v.**

**THE CITY OF PORTLAND,**

**DEFENDANT.**

**JOINT MOTION TO ENTER  
SETTLEMENT AGREEMENT  
AND CONDITIONAL DISMISSAL OF  
ACTION**

**Fed. R. Civ. P. 41(a)(2)**

Plaintiff United States, Defendant City of Portland, and Intervener-Defendant Portland Police Association (“Parties”) by and through their counsel, jointly move the Court to enter the proposed stipulated Order attached as Exhibit A. The order approves the Settlement Agreement (Docket 4-1) (“Agreement”) and conditionally dismisses the action pursuant to Fed. R. Civ. P. 41(a)(2). The Parties stipulate to certain conditions upon dismissal including the Court’s retention of jurisdiction to enforce the Agreement between the United States and City as well as the Memorandum of Agreement (MOA) between the Parties; annual conferences at which the

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CONDITIONAL DISMISSAL OF ACTION

Court will receive information from the Compliance Officer and Community Liaison (COCL); and timely submission to the Court of the COCL's quarterly reports. The conditional dismissal will be followed by final dismissal with prejudice upon performance of the Agreement. The Parties request that the Court place the case on the Court's inactive docket subject to recall to the active docket should enforcement of the Agreement or the MOA become necessary.

The Parties and Enhanced Amicus<sup>1</sup> request that the current briefing schedule of June 24 remain in effect should the Court deny the motion.

DATED :June 20, 2014.

Respectfully submitted,

<b>For the United States:</b>	
S. AMANDA MARSHALL United States Attorney District of Oregon  <u>/s/ David W. Knight</u> DAVID W. KNIGHT Special Assistant U.S. Attorney ADRIAN L. BROWN BILLY J. WILLIAMS Assistant U.S. Attorneys	JOCELYN F. SAMUELS Acting Assistant Attorney General Civil Rights Division  JONATHAN M. SMITH Chief, Special Litigation Section <u>/s/ Laura L. Coon</u> LAURA L. COON Special Counsel  <u>/s/ R. Jonas Geissler</u> R. JONAS GEISSLER <u>/s/ Michelle A. Jones</u> MICHELLE A. JONES Senior Trial Attorneys
<b>For the City of Portland:</b>	<b>For the Portland Police Association:</b>
<u>/s/ Tracy Pool Reeve</u> TRACY POOL REEVE City Attorney	<u>/s/ Anil Karia</u> ANIL KARIA

<sup>1</sup> United States and City conferred with counsel for Enhanced Amicus. Enhanced Amicus does not support this motion and intends to file a brief today in support of its position. The Parties do not object to Enhanced Amicus filing such a brief.